

APR 21 2006

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. §1.8
I hereby certify that this correspondence, totaling 9 pages including recited attachments, is being facsimile transmitted to the United States Patent and Trademark Office at facsimile no.: 571-273-3300 (Central number) on the below date:
Date: April 21, 2006 Name: David W. Okey Signature: [Signature]

BRINKS
HOFER
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& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Thomas L. Foster et al.

Appln. No.: 10/617,580

Filed: July 11, 2003

For: Flexible Cannula

Examiner: Charles H. Sam

Art Unit: 3731

Attorney Docket No: 10922/51

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Attached is/are:

- ☒ Response to Office Action dated March 22, 2006.
☐ Return Receipt Postcard

Fee calculation:

- ☒ No additional fee is required.
☐ Small Entity.
☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.138(a).
☐ A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(____).
☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
					Total	\$		Total	\$

Fee payment:

- ☐ A check in the amount of \$_____ is enclosed.
☐ Please charge Deposit Account No. 23-1925 in the amount of \$_____. A copy of this Transmittal is enclosed for this purpose.
☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

21 APR 2006
Date

Respectfully submitted,

[Signature]
David W. Okey (Reg. No. 42,959)

APR 21 2006

On April 21, 2006

Date of Deposit

David W. Okey

Name of applicant, assignee or
Registered Representative

Signature

Date of Signature

Our Case No. 10922/51

In re Application of:

FOSTER et al.

Serial No. 10/617,580

Filing Date: July 11, 2003

For: FLEXIBLE CANNULA

Examiner: Charles H. Sam

Group Art Unit No. 3731

**Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Dear Sir:

In reply to the non-final Office Action dated March 22, 2006, Applicant has timely filed this Response. Applicant respectfully requests the Examiner to withdraw the rejections and to grant allowance of this Application.

A listing of the Claims begin on p. 2 of this paper.

Remarks/arguments begin on p. 6 of this paper